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# ***Public Utilities Commission of the State of California***

## ***Results of Public Agenda 3087***

***Meeting Held on Thursday, May 2, 2002 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Loretta M. Lynch, President (Present)**

**Geoffrey F. Brown (Present)**

**Henry M. Duque (Present)**

**Michael R. Peevey (Present)**

**Carl W. Wood (Present)**

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10:00 a.m.)</i> <b><i>Open to the Public</i></b>
Wednesday, May 15, 2002 (San Francisco) (Will Be Held)	Thursday, May 16, 2002 (San Francisco)
Monday, June 03, 2002 (San Francisco)	Thursday, June 06, 2002 (San Francisco)
Monday, June 24, 2002 (San Francisco)	Tuesday, June 18, 2002 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

- CA-1**      **Res TL-18999**  
**418**      Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119890](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119890)  
**Outcome Approved**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-2**      **Res ALJ-176-3087**  
**419**      Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120281](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120281)  
**Outcome Approved**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)

**CA-3  
417****C01-04-028 - Skip and Gail Thomson (the Thomsons) vs. Pacific Bell Telephone Company.**

This decision denies the petition of the Thomsons to modify D01-12-031. Petitioners have failed to show a valid reason for modification of the decision. This proceeding is closed.

(Comr Brown - ALJ Walker)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=118897](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118897)

**Outcome Signed**

D02-05-002

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4  
427****Res T-16653**

Voluntary revocation of the following certificates of public convenience and necessity: U-4024 Comtech Mobile Telephone Co.; 4072 Cellular Communications, Inc.; 5373 GST Net Inc.; 5540 CenturyTel Telecommunications, Inc.; 5582 GTE Mobilenet of California, LP; 5711 ZipCall, LLC; 5845 Efficy Group, Inc.; 5917 Discount Network Services, Inc.; 5933 ISN Communications; 6111 Net2000 Communications, Inc.; 6319 Metrocall, Inc.; 6416 Net200 Communications Services, Inc.; 6445 Network Access Solutions; 6462 Telecom of New Zealand Communications (USA), Ltd.; 6475 Vision Prepaid Services, Inc.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120261](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120261)

**Outcome Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5  
434****Res W-4329 - California Utilities Service, Inc., (CUS).**

This resolution authorizes CUS an increase in rates producing additional annual revenues of \$109,320 or 18.7% for test year 2002.

**Outcome Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6**  
**435**

**Res W-4328 - Yerba Buena Water Company (YBWC).**

This resolution grants YBWC's request to secure a loan in the amount of \$60,000, and to add a surcharge to water rates to repay the loan principal and interest.

**Outcome Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7**  
**447**

**A97-12-020 - Pacific Gas & Electric Company (PG&E).**

For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. This decision dismisses as moot the joint petition of James Weil and The Utility Reform Network to suspend or rescind the authority granted by D00-02-046 authorizing PG&E to file an application for an attrition rate adjustment for 2001, in view of the Commission's grant of an attrition adjustment by D02-02-043 dated February 21, 2002.

(Comr Wood - ALJ Wetzell)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119257](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119257)

**Outcome Signed**

D02-05-003

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8**  
**506**

**Res TL-19001 - Karam Singh Pooni.**

This resolution grants the request of Karam Singh Pooni (PSC-13815) for voluntary suspension of his passenger stage corporation certificate for one year.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120154](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120154)

**Outcome Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9  
38****A00-12-026 - Pacific Gas and Electric Company (PG&E).**

For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

(Agenda 3080, Item CA-9 1/23/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121836](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121836)

**Outcome Held (5/16/02 Consent Agenda)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10  
529****Res T-16655 - Verizon California, Inc. (Verizon).**

This resolution approves an interconnection agreement between Verizon and Pacific Bell Telephone Company (U-1001-C), in accordance with the provisions of General Order 96-A, Resolution ALJ-181.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120412](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120412)

**Outcome Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11  
531****I01-12-007 - California Public Utilities Commission.**

Order instituting investigation into the actions of Southern California Edison Company (Edison), and its officers and employees for non-compliance with a Commission decision. This decision adopts Edison's proposal to resolve all issues in this proceeding by submitting its 2003 Notice of Intent for a test year 2003 General Rate Case 90 days late and by paying a \$47,500 penalty. This proceeding is closed.

(Comr Brown - ALJ Grau)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119982](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119982)

**Outcome Signed**

D02-05-004

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12  
532****I00-11-001 - California Public Utilities Commission.**

Order instituting investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply. This decision grants Save Southwest Riverside County an award of \$19,708.75 in compensation for contributions to D01-10-070.

(Comr Lynch - ALJ Walker)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119422](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119422)

**Outcome Signed**

D02-05-005

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13  
449****A01-10-044 - City of Fontana (City).**

This decision grants the request of the City to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Southern California Regional Rail Authority's (SCRRA/Metrolink) San Gabriel Subdivision tracks in Fontana, San Bernardino County. This proceeding is closed.

(Exam Clark)

(Agenda 3086, Item CA-21 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=117349](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117349)

**Outcome Held (5/16/02 Consent Agenda)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14  
456****C01-01-008 - Gorgee Enterprises, Inc., et al. vs. Aram Davtyan dba Americas Dream Limousine Service (Defendant).**

Responding to allegations that Aram Davtyan was operating America's Dream Limousine Service (sold May 7, 2001 and administratively revoked on October 24, 2001) as a taxi service, this decision formally revokes Defendant's charter party carrier permit and directs the Commission's Consumer Services Division to determine whether the \$1,200 fine assessed against Defendant was paid. This proceeding is closed.

(Comr Peevey - ALJ Grau)

(Agenda 3086, Item CA-24 4/22/2002)

**Outcome Signed**D02-05-006

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-15  
504****A99-09-029 - Pacific Gas and Electric Company (PG&E).**

For a certificate of public convenience and necessity authorizing the construction of the Northeast San Jose Transmission Reinforcement Project. This decision addresses Calpine c\*Power's motion regarding Public Utilities Code Section 625.

(Comr Duque - ALJ Thomas)

(Agenda 3086, Item CA-35 4/22/2002)

**Outcome Signed**D02-05-007

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-16  
309****A00-11-038 - Southern California Edison Company**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network \$574,584.45 in compensation for its contribution to D01-01-018, D01-03-029, D01-03-081, D01-03-082, D01-04-005, and D01-05-064.

(Comr Lynch - ALJ DeBerry)

(Agenda 3084, Item CA-18 3/21/2002; Agenda 3086, Item CA-31 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=118842](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118842)

**Outcome Held (6/6/02 Regular Agenda)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)



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**Regular Agenda****Utility and Transportation Orders**  
***Orders Held Over*****H-1                    A01-05-022 - FirstWorld Anaheim (Applicant).**

**319**                    This decision finds that the Applicant effectively withdrew from providing local exchange service to its customers, without prior Commission authorization, through the use of false and misleading notices and unauthorized service interruptions, in violation of General Order 96-A, Section XIV, Public Utilities Code Section 702, and its tariffs. This decision approves Applicant's request to withdraw from providing service, impose an \$18,000 fine, and require reparations to customers. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 6 4/4/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121793](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121793)

**Outcome   Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2                    A01-05-023 - FirstWorld SoCal (Applicant).**

**320**                    This decision grants the Applicant's request to withdraw from service. The Applicant is fined \$24,000, and ordered to make restitution to its customers because it effectively withdrew from service without prior Commission authorization through the use of false and misleading notices. The applicant also interrupted service to three of its customers in violation of its tariffs. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 7 4/4/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121839](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121839)

**Outcome   Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3  
318****A01-08-038 - FirstWorld Orange Coast (Applicant).**

For authority to transfer customers and terminate local and interexchange services. This decision finds that the Applicant sent misleading notices to its customers that led them to believe that service would be automatically terminated after a specified date. As a result, the Commission finds that it effectively withdrew from service without authorization in violation of General Order 96-A Section XIV, Pub. Util. Code § 702. This decision approves Applicant's request to withdraw from providing service, and requires reparations to customers. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 5 4/4/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121720](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121720)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4  
163****A01-09-007 - San Diego Gas & Electric Company (SDG&E).**

For construction and operation of a second 230 kV Circuit on the existing transmission line from Imperial Valley Substation to the international border to interconnect with the Commission Federal De Electricidad, Baja California Norte System. This decision grants the request by SDG&E to relocate six support structures along the existing Imperial Valley-La Rosita transmission line to accommodate two proposed merchant transmission line projects, provided that the relocation and any related costs will not be borne by ratepayers. This proceeding is closed. (Agenda 3079, Item 8, 01/09/02)

(Comr Duque - ALJ Cooke)

(Agenda 3086, Item H-2 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121869](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121869)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5 (Rev.) 299      A01-02-024 - AT&T Communications of California, Inc., WorldCom, Inc., and The Telephone Connection Local Services.**

Joint application for the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050. A01-02-035, A01-02-034 - Related matters. This interim order in the Commission's 2001 Unbundled Network Element (UNE) Reexamination proceedings sets interim rates for two of Pacific Bell's UNEs, namely loops and switching. For unbundled loops, the Commission adopts an interim discount of 15.1% from Pacific's current loop price of \$11.70. For unbundled switching, the Commission adopts an interim discount of 35.8% for the basic port, 50.8% for usage rates, and 41.9% for tandem switching. These interim rates are subject to adjustment once final rates are adopted. This proceeding shall remain open to set final rates for these UNEs.

(Comr Wood - ALJ Duda)

(Agenda 3085, Item 1 4/4/2002; Agenda 3086, Item H-7 4/22/2002)

04/25/2002 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121721](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121721)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-6 359      I01-10-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Bidwell Water Company (Bidwell) and its owners and operators, Thomas and Vicki Jernigan, and order to show cause why findings should not be entered by the Commission under Public Utilities Code Section 855.**

This decision determines that a showing has not been made that Bidwell is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. This proceeding is closed.

(Comr Duque - ALJ Ryerson)

(Agenda 3086, Item 1 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120820](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120820)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-6a (Rev.)    ALTERNATE TO ITEM 359****360**

The Commission determines that a showing has not been made that Bidwell Water Company is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. However, the Commission requires the respondents to file a compliance plan to remedy outstanding violations of prior Commission orders.

(Comr Duque)

(Agenda 3086, Item 1a 4/22/2002)

05/01/2002 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=117452](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117452)

**Outcome    Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-7****A01-09-026 - Verizon California Inc. (Verizon).****376**

This decision grants the request of Verizon for authority under Pub. Util. Code § 851 to sell to Baxter Healthcare Corp. Verizon's buildings and real estate located at One Verizon Way in Thousand Oaks, California. The Office of Ratepayer Advocates' protest requesting deferral of the ratemaking of the sale proceeds to a future Commission proceeding is denied. This proceeding is closed.

(Comr Brown - ALJ Duda)

(Agenda 3086, Item CA-4 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120789](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120789)

**Outcome    Signed**

D02-05-008

Yes: (Brown, Lynch, Peevey, Wood)

No: (none)

Abstain: (Duque)

Absent: (none)

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**Orders**

- 1**  
**446**      **A99-08-043 - Roseville Telephone Company (Roseville).**  
Application of Roseville Telephone Company to review extended area service compensation and establish replacement revenue funding. This decision denies Roseville's petition to modify D00-11-039 and upholds the determination that the California High Cost Fund-B is not an appropriate permanent source of funding to replace the \$11.5 million Extended Area Service payment Roseville previously received from Pacific Bell Telephone Company.  
(Comr Wood - ALJ Jones)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121334](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121334)  
**Outcome Signed**  
D02-05-009  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 2**  
**470**      **R01-08-028 - California Public Utilities Commission.**  
Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration and Programs. This decision awards local energy efficiency funding to third parties for 2002-2003 and to investor owned utilities for 2002.  
(Comr Lynch - ALJ Thomas)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121795](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121795)  
**Outcome Held (5/16/02)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 3**  
**502**      **R \_\_\_\_\_ - California Public Utilities Commission.**  
Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing. This proceeding is opened to address, in two phases: 1) development of advanced metering infrastructure to facilitate demand-responsiveness and 2) consideration of dynamic pricing rate design options to encourage consumer utilization of advanced infrastructure and demand-responsive behavior. The proceeding will also seek to coordinate with other state agencies on these issues.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121516](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121516)  
**Outcome Held (5/16/02)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

**4****R01-05-047 - California Public Utilities Commission.****538**

Order instituting rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised. This decision addresses SDG&E's petition to modify D02-04-026 to split a current baseline climate zone to create new inland and coastal climate zones.

(Comr Brown - ALJ Thomas)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121415](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121415)

**Outcome Signed**

D02-05-010

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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**Utilities Resolutions and Written Reports****Energy Matters****E-1                    E-3769 - San Diego Gas & Electric Company.**

**343**                    This resolution addresses the requirements of SDG&E, Pacific Gas and Electric Company, and Southern California Edison Company to submit payments to the California Energy Commission for renewable resource funding by March 31, 2002, pursuant to Public Utilities Code Sections 381(c)(3), and (d).

(Agenda 3085, Item E-3 4/4/2002; Agenda 3086, Item E-2 4/22/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120366](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120366)

**Outcome    Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-1a                    ALTERNATE TO ITEM 343**

**559**                    This alternate resolution addresses the requirements of San Diego Gas & Electric Company (SDG&E), Pacific Gas & Electric Company (PG&E) and Southern California Edison Company (SCE) to submit payments to the California Energy Commission for renewable resource funding by March 31, 2002, pursuant to Public Utilities Code sections 381(c)(3) and (d). The alternate differs from the proposed resolution in that SDG&E, in addition to PG&E and SCE, is directed to submit its pro-rata share.  
(Comr Duque)

**Outcome    Approved**

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

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**Telecommunications Matters****C-1                    Res T-16650 - Pacific Bell Telephone Company (Pacific).****439**

This resolution partially accepts Pacific Bell Telephone Company's filed Advice Letter (AL) 22435 as supplemented by AL 22435-D. Pacific is ordered to submit, within 5 days from the effective date of this resolution, a new advice letter to comply with this resolution. Pacific is informed that it will be subject to penalties if it fails to comply fully as ordered in this resolution. (Advice Letters (AL) 22435 filed November 26, 2001 and supplemented by AL 22435-A filed December 21, 2001; AL 22435-B filed January 29, 2002; AL 22435-C filed March 5, 2002 and AL 22435-D filed March 12, 2002.)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120834](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120834)

**Outcome    Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)



**Legal Division Matters*****Resolutions and Memorandums*****L-1  
380****Res L-299.**

This resolution presents a draft charter for the Low-Income Oversight Board, an advisory board created by the Legislature in Senate Bill No. 2 from the Second Extraordinary Session, to advise the Commission on low-income electric and gas customer issues and to serve as a liaison for the Commission to low-income ratepayers and representatives.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120905](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120905)

**Outcome   Approved**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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**Legislative Matters****Items Held Over**

- HLEG-1  
393**      **AB 2945 (Wright). Emergency telephone surcharges: enhanced "911".**  
Request for Commission position.  
(Agenda 3085, Item LEG-6 4/4/2002; Agenda 3086, Item HLEG-1 4/22/2002)  
**Outcome   Approved-Staff Recommendation (Oppose bill)**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- HLEG-2  
401**      **AB 1934 (Corbett). Telephone corporations: background security checks.**  
Request for Commission position.  
(Agenda 3085, Item LEG-2 4/4/2002; Agenda 3086, Item HLEG-2 4/22/2002)  
**Outcome   Approved-Staff Recommendation (Support bill)**  
Yes: (Brown, Duque, Lynch, Wood)  
No: (Peevey)  
Abstain: (none)  
Absent: (none)
- HLEG-3  
492**      **AB 1769 (Leslie). Unsolicited text messages to cellular telephones or pagers.**  
Request for Commission position.  
(Agenda 3086, Item LEG-8 4/22/2002)  
**Outcome   Withdrawn**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- HLEG-4  
496**      **SB 1553 (Battin). Complaint cases seeking to establish new extended service areas.**  
Request for Commission position.  
(Agenda 3086, Item LEG-12 4/22/2002)  
**Outcome   Withdrawn**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

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**Items****LEG-1 AB 468 (Firebaugh). State Property Communications Access.****557** Request for Commission position.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-2 AB 2244 (Wayne).****558** Prepaid Calling Cards. Request for Commission position.**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-3 AB 2383 (Diaz). Energy Policy Taskforce formation (statewide energy policy).****549** Request for Commission position.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-4 AB 2432 (Pacheco). Utilities, prohibits unauthorized entry on realty, crime.****550** Request for Commission position.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- LEG-5**  
**552**      **AB 2467 (Goldberg).**  
Telephone corporations: employment. Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121308](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121308)  
**Outcome Held (Vote 3-2 to hold to 5/16/02. Comr Peevey and Comr Duque dissented.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- LEG-6**  
**551**      **AB 2669 (Maldonado). Public Utilities: stocks and security transactions.**  
Request for Commission position.  
**Outcome Approved-Staff Recommendation (Oppose bill)**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- LEG-7**  
**553**      **AB 2933 (Wiggins). High speed internet access and broadband services study.**  
Request for Commission position.  
**Outcome Withdrawn**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- LEG-9**  
**542**      **SB 1389 (Bowen). CEC, reporting requirements.**  
Request for Commission position.  
**Outcome Approved-Staff Recommendation (Support if amended)**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- LEG-10**  
**543**      **SB 1519 (Bowen).**  
DWR, renewable power, retail consumer bypass. Request for Commission position.  
**Outcome Held (5/16/02)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

**LEG-11**      **SB 1524 (Sher). Electricity Oversight Board terminated, PUC takes over.**  
**544**      Request for Commission position.

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-12**      **SB 1534 (Bowen). Solar energy, residential obstacles.**  
**545**      Request for Commission position.

**Outcome Approved-Staff Recommendation (Support if amended)**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-13**      **SB 1876 (Bowen).**  
**546**      EOB revisions, ISO into RTO. Request for Commission position.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121324](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121324)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-14**      **SB 1885 (Bowen).**  
**547**      PUC, utility obligation to serve. Request for Commission position.

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-15**      **SB 1976 (Torlakson). CEC: real time pricing (urgency).**  
**548**      Request for Commission position.

**Outcome Approved-Staff Recommendation (Support bill)**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-16 AB 2754 (Nation). Amended, PUC: Civil Fines and Penalties.**

**560** Request for Commission position.

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**Commissioner's Reports**

**CR-1**            **Commissioners' Reports**  
**516**            Miscellaneous Commissioners' Reports.

**CR-2**            **Commissioner Wood Report**  
**535**            Appointment of members to the Commission's Low Income Oversight Board.  
**Outcome**   **Approved (Approved nomination of the Commission's Low Income Oversight Board members. Also, voted 5-0 to designate Comr Wood as liaison to the Board)**  
Yes: (Brown, Duque, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)

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## Management Reports

<b>M-1</b>	<b>Management Reports</b>
<b>517</b>	Miscellaneous Management Reports.



## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

- HEX-1**      **C99-01-039 - Conference with Legal Counsel-Application for Rehearing**  
**172**      Disposition of the Application for Rehearing filed by Greenlining Institute and Latino Issues Forum of D01-04-037, which denied a complaint regarding tariffing and billing for commercial customers for voicemail services.  
 (Agenda 3067, Item EX-7, 7/12/01; Agenda 3073, Item HEX-1, 10/10/01)  
**Outcome Held (5/16/02)**  
 Yes: (none)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)
- HEX-2**      **I98-02-025 - Conference with Legal Counsel - Application for Rehearing and Petition for**  
**115**      **Modification**  
 Disposition of application for rehearing and petition for modification of D00-04-003 filed by Greenlining Institute. D00-04-003 granted the Greenlining Institute and Latino Issues Forum intervenor compensation awards for contributions to D98-12-084.  
 (Agenda 3080, Item HEX-4 1/23/2002)  
**Outcome Signed**  
D02-05-011  
 Yes: (Brown, Duque, Lynch, Peevey, Wood)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)

**HEX-3  
431****I99-04-020, A99-09-038 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Application for Rehearing of D01-09-017 filed by Vista Group International, Inc. (Vista). In D01-09-017, the Commission found that Vista's telemarketers violated Public Utilities Code Section 2889.5, and that the acts of the telemarketers should be imputed to Vista. The Commission imposed a fine of \$7.0 million on Vista pursuant to Public Utilities Code Sections 2107 and 2108 and required Vista to complete its restitution process by providing \$20 per business line to customers identified in the proceeding whose disputes Vista had not addressed. (Agenda 3086, Item EX-5 4/22/2002)

**Outcome Held (5/16/02)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**Orders****EX-5  
530****R99-11-022 - Conference with Legal Counsel – Application for Rehearing**

Disposition of application for rehearing of D01-10-069 filed by the California Cogeneration Council. D01-10-069 denied Southern California Edison's petition for modification of D01-09-021. Edison's petition had requested that the Commission extend the deadline for pre-approval of certain contract modifications made between the utilities and the Qualifying Facilities from July 31, 2001 to September 6, 2001.

**Outcome Signed**D02-05-012

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

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**Federal Items****Items****FEX-3****Conference wiht Legal Counsel - Existing Litigation****556**

Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)

**Outcome Approved (EL02-60-000, EL00-95-000: Authorized General Counsel to execute settlement agreement with Calpeak (4-0, 1 abstention).**

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Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)